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A quick reference aid on U.S. foreign relations
Not a comprehensive policy statement
Bureau of Public Affairs • Department of State

The Drug Problem: Americans Arrested Abroad March 1986

Background: In 1985, 35% of the 2,700 Americans arrested abroad were held on charges of using, possessing, or trafficking in illegal narcotics. Marijuana was involved in 56% of all drug charges, and cocaine accounted for 20%. The majority of those arrested for marijuana or cocaine offenses were carrying less than one ounce of the substance. Although drug laws and enforcement policies vary greatly in different countries, American travelers should be aware of the serious consequences resulting from the possession or sale of drugs, including marijuana. In many countries, local laws make no distinction between soft and hard drugs in the arrest, detention, and sentencing of offenders. Penalties for drug violations are severe in foreign countries, including pretrial detention for months or even years and mandatory prison sentences lasting for years without provisions for parole. In addition, many countries make no allowances for bail in drug trafficking cases.

Statistics on drug arrests: Americans were arrested on drug charges in 56 countries in 1985. The top five nations, accounting for 70% of all drug violations brought against Americans, were Mexico, Jamaica, the Bahamas, the Dominican Republic, and the Federal Republic of Germany.

Travel advice: Many Americans traveling abroad believe that as US citizens they are immune from prosecution under foreign laws. They mistakenly assume that buying or carrying small amounts of drugs cannot result in arrest. In reality, Americans have been jailed abroad for possessing as little as three grams (about one-tenth of an ounce) of marijuana. Travelers are subject to the jurisdiction of all local laws. Often foreign drug pushers, after profiting on the sale of drugs, turn the customer in to local authorities to collect a reward.

Travelers required for medical reasons to take a medication containing habit-forming or narcotic drugs should carry a doctor's certificate attesting to that fact. It also is advisable to keep all medicines in their original and labeled containers. To avoid potential problems and because individual laws may vary by country, travelers carrying such medicines should consult the embassies of the countries they will visit before departing the US.

Facts about drugs abroad:

- Foreign governments generally are less tolerant of drug use than the US. Most countries have stricter laws, and their judicial and penal systems differ from ours. Also few foreign countries provide trial by jury.
- Pretrial detention may involve confinement for months in primitive prison conditions.
- Frequently, trials will involve lengthy delays or postponements and are often conducted in a foreign language.

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- Sentences for possession or trafficking in any soft or hard drug can range from 2 to 25 years and can include heavy fines. In some countries--for example, Turkey, Egypt, Malaysia, and Thailand--conviction may lead to a life sentence or even the death penalty.
- Stiffer penalties for drug violations and stricter enforcement of existing drug laws in many countries have led to an increased number of Americans arrested on drug charges in such places as Bermuda, Jamaica, and the Dominican Republic.
- Once travelers leave US jurisdiction, they are not covered by US laws and have no US constitutional rights.
- The US Customs Service will inspect baggage of travelers returning to the US. This applies not only to hand baggage and packages but also to articles they have mailed to the US.

US consular officers abroad can:

- Ensure insofar as possible that the detainee's rights under local law are fully observed and that humane treatment is accorded under internationally accepted standards;
- Visit the US citizen as soon as possible after the foreign government has notified the US embassy or consulate of the arrest--and visit regularly during detention. The consular officer also can provide the detainee with a list of local attorneys from which to select defense counsel; and
- Contact family and/or friends for financial or medical aid and food, if requested by the detainee.

US consular officers abroad cannot:

- Demand the US citizen's release;
- Represent the detainee at trial, give legal counsel, or pay legal fees or other related expenses with US Government funds; or
- Intervene in a foreign country's court system or judicial process to obtain special treatment.

Help available in the US: The Citizens Emergency Center in the State Department's Bureau of Consular Affairs:

- Provides emergency services relating to the welfare of Americans arrested or detained abroad;
- Searches for Americans missing abroad;
- Transmits emergency messages to Americans or their next of kin in the US; and
- Helps arrange the transfer of private funds to US posts abroad for delivery to destitute Americans.

Assistance at the Citizens Emergency Center is available Monday through Friday from 8:15 a.m. to 10 p.m. and on Saturday from 9 a.m. to 3 p.m. (Eastern time) at (202) 647-5225. After hours and on Sundays and holidays, a duty officer is available for emergencies at (202) 634-3600.

Harriet Culley, Editor (202) 647-1208